

United States District Court

for the

Eastern District of WashingtonFILED IN THE
U.S. DISTRICT COURT
EASTERN DISTRICT OF WASHINGTON**Feb 10, 2022**

SEAN F. MCAVOY, CLERK

Petition for Warrant or Summons for Offender Under Supervision

Name of Offender: Gabriel Trinidad Lopez

Case Number: 0980 2:18CR00022-WFN-1

Address of Offender:

Spokane Valley, Washington 99216

Name of Sentencing Judicial Officer: The Honorable Stanley A. Bastain, Chief U.S. District Judge

Name of Supervising Judicial Officer: The Honorable Wm. Fremming Nielsen, Senior U.S. District Judge

Date of Original Sentence: December 20, 2018

Original Offense: Felon in Possession of a Firearm, 18 U.S.C. § 922

Original Sentence: Prison - 30 months;
TSR - 36 months

Type of Supervision: Supervised Release

Asst. U.S. Attorney: Daniel Fruchter

Date Supervision Commenced: June 10, 2020

Defense Attorney: Roger Peven

Date Supervision Expires: June 9, 2023

PETITIONING THE COURT

To issue a warrant and to incorporate the violation(s) contained in this petition in future proceedings with the violation(s) previously reported to the Court on 10/23/2020 and 11/05/2020.

The probation officer believes that the offender has violated the following condition(s) of supervision:

<u>Violation Number</u>	<u>Nature of Noncompliance</u>
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Special Condition # 4: You must abstain from the use of illegal controlled substances, and must submit to urinalysis and sweat patch testing, as directed by the supervising officer, but no more than 6 tests per month, in order to confirm continued abstinence from these substances.

Supporting Evidence: It is alleged that Mr. Lopez violated the terms of his supervised release by consuming a controlled substance, Fentanyl, on or about January 25 and 27, 2022.

On June 10, 2020, supervision commenced in this matter. On June 12, 2020, a supervision intake was completed. Mr. Lopez acknowledged an understanding of the conditions imposed by the Court, to include special condition number 4, noted above.

On January 25 and 27, 2022, Mr. Lopez appeared at Pioneer Counseling Services for random urinalysis testing. In both instance, the samples were sent to the lab for additional testing of Fentanyl and lab reports confirmed a positive presence for Fentanyl in both samples.

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- 6 **Special Condition # 4:** You must abstain from the use of illegal controlled substances, and must submit to urinalysis and sweat patch testing, as directed by the supervising officer, but no more than 6 tests per month, in order to confirm continued abstinence from these substances.

Supporting Evidence: It is alleged that Mr. Lopez violated the terms of his supervised release by consuming a controlled substance, methamphetamine and Fentanyl, on or about February 4, 2022.

On June 10, 2020, supervision commenced in this matter. On June 12, 2020, a supervision intake was completed. Mr. Lopez acknowledged an understanding of the conditions imposed by the Court, to include special condition number 4, noted above.

On February 7, 2022, Mr. Lopez reported to the United States Probation Office. Upon initial discussion, he denied any illicit drug use. He submitted to a urinalysis that tested presumptive positive for both methamphetamine and Fentanyl and then admitted to consuming both substances on February 4, 2022.

- 7 **Special Condition # 4:** You must abstain from the use of illegal controlled substances, and must submit to urinalysis and sweat patch testing, as directed by the supervising officer, but no more than 6 tests per month, in order to confirm continued abstinence from these substances.

Supporting Evidence: It is alleged that Mr. Lopez violated the terms of his supervised release by failing to appear for a random urinalysis, on or about February 4 and 7, 2022.

On June 10, 2020, supervision commenced in this matter. On June 12, 2020, a supervision intake was completed. Mr. Lopez acknowledged an understanding of the conditions imposed by the Court, to include special condition number 4, noted above.

Mr. Lopez is enrolled in random drug testing at Pioneer Human Services. He is expected to call the testing line daily to determine if his color is called. If his color is called, he is expected to report to PHS to submit to a urinalysis that same day.

PHS advised that Mr. Lopez failed to appear for a random urinalysis on February 4 and 7, 2022.

- 8 **Special Condition # 3:** You must undergo a substance abuse evaluation and, if indicated by a licensed/certified treatment provider, enter into and successfully complete an approved substance abuse treatment program, which could include inpatient treatment and aftercare upon further order of the court. You must contribute to the cost of treatment according to your ability to pay. You must allow full reciprocal disclosure between the supervising officer and treatment provider.

Supporting Evidence: It is alleged that Mr. Lopez violated the terms of his supervised release by failing to attend substance abuse treatment sessions on or about January 20, and February 1 and 3, 2022.

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On June 10, 2020, supervision commenced in this matter. On June 12, 2020, a supervision intake was completed. Mr. Lopez acknowledged an understanding of the conditions imposed by the Court, to include special condition number 3, noted above.

Mr. Lopez is enrolled in intensive outpatient group sessions at Pioneer Human Services. He is expected to attend three group session per week. At this time, due to the COVID pandemic, the groups are held virtually.

PHS advised that Mr. Lopez failed to attend group sessions on January 20, and February 1 and 3, 2022.

9 **Special Condition # 4:** You must abstain from the use of illegal controlled substances, and must submit to urinalysis and sweat patch testing, as directed by the supervising officer, but no more than 6 tests per month, in order to confirm continued abstinence from these substances.

Supporting Evidence: It is alleged that Mr. Lopez violated the terms of his supervised release by consuming a controlled substance, Fentanyl, on or about February 6, 2022.

On June 10, 2020, supervision commenced in this matter. On June 12, 2020, a supervision intake was completed. Mr. Lopez acknowledged an understanding of the conditions imposed by the Court, to include special condition number 4, noted above.

On February 10, 2022, Mr. Lopez reported to the United States Probation Office. At that time, he admitted to last consuming Fentanyl on February 6, 2022.

The U.S. Probation Office respectfully recommends the Court to incorporate the violation(s) contained in this petition in future proceedings with the violation(s) previously reported to the Court, and that the Court issue a warrant.

I declare under penalty of perjury that the foregoing is true and correct.

Executed on: 02/10/2022

s/Melissa Hanson

Melissa Hanson
U.S. Probation Officer

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THE COURT ORDERS

- ☐ No Action
- ☒ The Issuance of a Warrant
- ☐ The Issuance of a Summons
- ☒ The incorporation of the violation(s) contained in this petition with the other violations pending before the Court.
- ☐ Defendant to appear before the Judge assigned to the case.
- ☒ Defendant to appear before the Magistrate Judge.
- ☐ Other



Signature of Judicial Officer

2/10/2022

Date